

Article - Real Property

[\[Previous\]](#)[\[Next\]](#)

§7–105.5.

(a) In this section, “holder of a subordinate interest” includes any condominium council of unit owners or homeowners association that has filed a request for notice of sale under subsection (c) of this section.

(b) The person authorized to make a sale in an action to foreclose a mortgage or deed of trust shall give written notice of any proposed foreclosure sale to the holder of any subordinate mortgage, deed of trust, or other subordinate interest, including a judgment, in accordance with § 7–105.4 of this subtitle and the requirements of Maryland Rule 14–210.

(c) (1) The land records office of each county shall maintain a current listing of recorded requests for notice of sale by holders of subordinate mortgages, deeds of trust, or other subordinate interests.

(2) The holder of a subordinate mortgage, deed of trust, or other subordinate interest may file a request for notice under this subsection.

(3) Each request for notice of sale shall:

(i) Be recorded in a separate docket or book which shall be indexed under the name of the holder of the superior mortgage or deed of trust and under the book and page numbers where the superior mortgage or deed of trust is recorded;

(ii) Identify the property in which the subordinate interest is held;

(iii) State the name and address of the holder of the subordinate interest; and

(iv) Identify the superior mortgage or deed of trust by stating:

1. The names of the original parties to the superior mortgage or deed of trust;

2. The date the superior mortgage or deed of trust was recorded; and

3. The office, docket or book, and page where the superior mortgage or deed of trust is recorded.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, failure of a holder of a subordinate mortgage, deed of trust, or other subordinate interest to record a request for notice under this subsection does not affect the duty of a holder of a superior interest to provide notice as required under this section.

(ii) A holder of a superior interest does not have a duty to provide notice to a condominium council of unit owners or homeowners association that has not filed a request for notice under this subsection.

(d) The person giving notice under this section shall file in the action:

(1) The return receipt from the notice; or

(2) An affidavit that:

(i) The notice provisions of this section have been complied with; or

(ii) The address of the holder of the subordinate interest is not reasonably ascertainable.

(e) The person authorized to make a sale in an action to foreclose a mortgage or deed of trust is not required to give notice to the holder of a subordinate mortgage, deed of trust, or other subordinate interest if:

(1) The existence of the mortgage, deed of trust, or other subordinate interest is not reasonably ascertainable;

(2) The identity or address of the holder of the mortgage, deed of trust, or other subordinate interest is not reasonably ascertainable;

(3) With respect to a recorded or filed subordinate mortgage, deed of trust, or other recorded or filed subordinate interest, the recordation or filing occurred after the later of:

(i) 30 days before the day on which the foreclosure sale was actually held; and

(ii) The date the action to foreclose the mortgage or deed of trust was filed;

(4) With respect to an unrecorded or unfiled subordinate mortgage, deed of trust, or other unrecorded or unfiled subordinate interest, the subordinate interest was created after the later of:

(i) 30 days before the day on which the foreclosure sale was actually held; and

(ii) The date the action to foreclose the mortgage or deed of trust was filed; or

(5) With respect to a condominium council of unit owners or homeowners association, the condominium council of unit owners or homeowners association has not filed a request for notice under subsection (c) of this section.

(f) The right of a holder of a subordinate mortgage, deed of trust, or other subordinate interest to file an action for the failure of the person authorized to make a sale in an action to foreclose a mortgage or deed of trust to comply with the provisions of this section shall expire 3 years after the date of the order ratifying the foreclosure sale.

[\[Previous\]](#)[\[Next\]](#)